IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3897 OF 2005
IN
APPEAL NO. 728 OF 2004
IN
ARBITRATION PETITION NO. 354 OF 2002

Mohammed Hussain Abdullabhai.] .. Appellant (Ori.Resp.No.1)

Versus

Taherbhai Abdullabhai & Ors.] .. Respondent (Ori.Resp.2 to 7)

Mr. Milind Vasudeo with Mr. P.R. Paul for applicant/respondent No.1-4(a) to 4(c), 6 & 7 i/b Nanu Hormusjee & Co.

Mr. M.S. Sanghvi i/b M/s. N. Kothari & Sabir for the appellant.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 20TH JANUARY, 2006

P.C. :

. Heard Mr. Milind Vasudeo, the learned counsel for the applicant (original defendant Nos.1 to 3, 5 and 6).

2. Since the order dated 11th November, 2003 came to be passed in Appeal No.930 of 2003, there is no change in the situation, save and except that the Award

has been set aside in the arbitration Petition at the instance of Taherbhai Abdullabhai (respondent No.1). However, the fact of the matter is that the Appeal challenging the order passed by the learned Single Judge setting aside the Award has been admitted and is pending. In view thereof, we are satisfied that the applicants are not entitled to any relief as prayed for in the Notice of Motion.

3. Notice of Motion is dismissed accordingly.

[R.M. LODHA, J.]

[ANOOP V. MOHTA, J.]

[srpasha@hc]